



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/765,642

01/27/2004

Leonid Yabloko

100498-1U1

1158

570

7590

03/27/2008

PANITCH SCHWARZE BELISARIO & NADEL LLP

ONE COMMERCE SQUARE

2005 MARKET STREET, SUITE 2200

PHILADELPHIA, PA 19103

EXAMINER

LE, THU NGUYET T

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,642

Applicant(s)

YABLOKO, LEONID

Examiner

THU-NGUYET LE

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Applicant's submission filed on 08 May 2007 has been entered. Claims 1, 7, and 13 have been amended. Claims 1-18 are pending in this Office Action.

Specification

3. The disclosure is objected to because of the following informalities:
The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Claim 13 recites the limitations of "a computer-readable medium". However, "a computer-readable medium" is not specified in the specification. Correction of the following is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 7-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims 1-12 recite the limitation of an apparatus. The claims lack necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims recited "means for storing and retrieving...", "means for represent ...", "means for connecting...". However, means for storing are databases, means for retrieving are object assemblers, means for represent are tuple templates, and means for connecting are tuple templates. None of the means in the claim is hardware component. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Claims 13-18 are not limited to tangible embodiments. "Computer-readable medium" is not defined in applicant's disclosure. It would appear to be reasonable to interpret computer readable media as media for carrying signals and other forms of propagation or transmission media to one of ordinary skill. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara (US 2001/0018671).

With respect to claim 1, Ogasawara discloses a method of allowing entities to cooperate for implementing one or more processes, the method comprising:

(a) storing and retrieving information in the form of tuples (para.[0072] lines 1-4);

(b) using the tuples to represent objects involved in one or more processes, wherein each object is produced by an entity (para.[0076] lines 1-5); and

(c) connecting the tuples with keys to represent sequential events of the one or more processes (fig.12, para.[0075],[0076],[0104] lines 1-4).

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ogasawara teaches the method of allowing entities to cooperate for implementing one or more processes further comprising:

(d) associating each object with one or more semantic terms (fig.10 column "merchandise name", para.[0104] lines 7-11); and

(e) allocating one tuple named with the semantic term for every association, the tuple containing the information provided by the object corresponding to the meaning of the semantic term (fig.11 column "shelf number", para.[0108] lines 3-5),.

Claim 3 is rejected for the reasons set forth hereinabove for claim 2 and furthermore Ogasawara teaches the method of allowing entities to cooperate for implementing one or more processes further comprising:

(f) indicating one or more of the semantic terms in order to represent a goal of the one or more processes (para.[0053] lines 5-9, para.[0076] lines 1-5).

Claim 4 is rejected for the reasons set forth hereinabove for claim 2 and furthermore Ogasawara teaches the method of allowing entities to cooperate for implementing one or more processes further comprising:

(f) generating chains of events which terminate at the tuples corresponding to each semantic term (para.[0076] lines 1-5).

Claim 5 is rejected for the reasons set forth hereinabove for claim 2 and furthermore Ogasawara teaches the method of allowing entities to cooperate for implementing one or more processes further comprising:

(f) generating semantic categories by aggregating the semantic terms (para.[0053] lines 5-7).

Claim 6 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ogasawara teaches the method of allowing entities to cooperate for implementing one or more processes further comprising:

(d) representing the conditions under which the entity can produce one or more of the objects by using tuple templates (para.[0104] lines 12-17).

Claims 7-12, 13-18 are rejected on grounds corresponding to the reasons given above for claims 1-6 because claims 7-12, 13-18 claim substantially equivalent limitations as claims 1-6. Claims 1-6 claim limitations of the method. Claims 7-12 claim limitations of an apparatus. Claims 13-18 claim limitations of an article of manufacture.

Response to Argument

8. Applicants' argument regarding the 102(b) rejection based upon Ogasawara is not persuasive. The examiner respectfully traverses applicants' argument.

With respect to applicant's argument that Ogasawara does not involve connecting tuples with keys to represent sequential events of a process, the examiner respectfully disagrees and refers applicants to fig.12 and para.[0075], [0076]. Ogasawara teaches the client picks pieces of merchandise to create one or more orders/shopping lists. The picking pieces of merchandise (tuples) are the events of the order process. The sequence of picking pieces of merchandise is depicted in fig.12 (Order Merchandise 1, 2, 3, ...). In fig. 12, SKU numbers (123001, 123004, ...) are the keys which are uniquely identifying merchandises. Therefore, Ogasawara teaches the connecting tuples with keys to represent sequential events of a process.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THU-NGUYET LE whose telephone number is (571)270-1093. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

24 March 2008
/Thu-Nguyet Le/
Examiner, Art Unit 2162

/JEAN B. FLEURANTIN/
Primary Examiner, Art Unit 2162